

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MONTANA**

In re

**EDRA D BLIXSETH,**

Debtor.

Case No. **09-60452-7**

**RICHARD SAMSON,**

Plaintiff.

-VS-

**TIMOTHY L. BLIXSETH, Desert Ranch  
LLP, DESERT RANCH  
MANAGEMENT LLC, and DOES 1-5,**

Defendants.

Adv No. **10-00088**

*CV-14-45-BU*

**ORDER**

At Butte in said District this 9<sup>th</sup> day of July, 2014.

This Adversary Proceeding was commenced on October 1, 2010. With leave of this Court, Plaintiff filed an amended complaint on June 29, 2012, averring nine claims for relief. During the pendency of this proceeding, Defendants filed at least two motions to dismiss and a motion for mandatory and/or permissive abstention. This Court denied the aforementioned motions and such denial was affirmed on appeal.

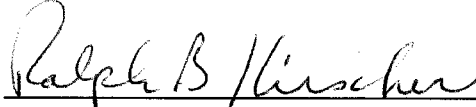
The Court stayed these proceedings in 2011 while the parties sought to withdraw the reference. The request for withdrawal of the reference was denied in October of 2011. A scheduling order was entered on June 26, 2012, but no trial date was set due to the Defendants' demand for a jury trial and their lack of consent to this Court conducting such trial. These proceedings were again stayed in early 2013 due to an involuntary bankruptcy proceeding that was filed in Nevada. After the Nevada proceeding was dismissed, the Court scheduled a status conference for July 9, 2014.

The parties were represented at the July 9, 2014, status conference by counsel. Given various developments, Plaintiff's counsel suggested that the Court reschedule the status conference for 120 days from today's date, and stay these proceedings in the interim so that the parties can attempt to negotiate a settlement. Because of the Defendants' demand for jury trial and given the absence of the express consent of all parties to this Court conducting such jury trial, the Court stated its intent to refer this matter back to the United States District Court. See 11 U.S.C. § 157(e) ("the bankruptcy judge may conduct the jury trial if specifically designated to exercise such jurisdiction by the district court and with the express consent of all the parties.") The parties asked if this Court would defer referring this matter until November, which request the Court declines to entertain. However, the Court will, by this Order, recommend, at the District Court's discretion, that a status or scheduling conference be held on or about November 10, 2014, and that the issues in this proceeding be held in abeyance pending conclusion of the November conference. In accordance with the above,

IT IS ORDERED that all future proceedings in this Adversary Proceeding are referred to the United States District Court for District of Montana for trial by jury in accordance with the

Defendants' demand for jury trial.

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER  
U.S. Bankruptcy Judge  
United States Bankruptcy Court  
District of Montana